

**FOR THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

JULIO AGOSTO CUEVAS  
TERESA LUGO DIEPPA

DEBTOR(S)

CASE NO.: 15-04841 MCF

CHAPTER 13

**MOTION UNDER 11 U.S.C §1329**

TO HONORABLE COURT:

Come debtors represented by the undersigned attorney and most respectfully expose and pray:

1. With this motion debtor submits a post confirmation modified plan dated February 9<sup>th</sup>, 2016.

2. Post confirmation modified plan dated February 9<sup>th</sup>, 2016 provides for the following payments:

- a) Trustee's payment of secured arrears towards Reverse Mortgage Solutions, Inc. in the amount of \$7,320.22.
- b) Debtors will surrender collateral to lien holder Coop Oriental.
- c) Attorney Fees in the amount of \$2,490.00; additional Attorney Fees for this PCM in the amount of \$350.00.

3. Plan base is \$11,490.00 and calls for eighteen (18) payments of \$160.00 and forty-two (420) payments of \$205.00.

4. Debtors filed a post confirmation plan modification dated February 9<sup>th</sup>, 2016, to provide for arrears informed in creditor Reverse Mortgage Solutions, Inc. (POC No. 2-1) in the amount of \$7,320.22.

5. Modification of the plan will permit the completion of debtors' reorganization under Chapter 13. Debtors are interested in continuing with the bankruptcy proceedings.

6. Debtors hereby request a hearing to consider the approval of the post confirmation plan pursuant to 11 USC §362 (b)(2).

WHEREFORE, debtors respectfully request from this Honorable Court to grant this motion and approve post confirmation modified plan dated February 9<sup>th</sup>, 2016.

**NOTICE**

Parties in interest are notified they have twenty (20) days to file an objection to the modified plan and request a hearing. Absent good cause, untimely objections shall be denied. Absent a timely objection and request for a hearing, the proposed post confirmation modification of a plan becomes the plan under 11 U.S.C. §1329 (b)(2) and Rule 2002 (a) (5).

RESPECTFULLY SUBMITTED.

In Caguas, Puerto Rico, on this 9<sup>th</sup> day of February 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF System which will send notification of such filing to the parties registered in the CM/ECF System. All other parties have been notified by the United States Postal mailing service.

**/s/ JOSÉ Á. LEÓN LANDRAU, ESQ.**

JOSÉ Á. LEÓN LANDRAU (131506)  
Attorney for Debtor(s)  
PO Box 1687  
Caguas, PR 00726  
Phone: (787) 746-7979  
Fax: (787) 961-9348

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE: JULIO AGOSTO CUEVAS  
TERESA LUGO DIEPPA  
DEBTOR(S)

BK. CASE # 15-04841 MCF  
CHAPTER 13

**CHAPTER 13 PAYMENT PLAN**

**NOTICE:** • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:  
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☐ 3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED: \_\_\_\_\_

☐ PRE ☒ POST-CONFIRMATION

☒ AMENDED PLAN DATED: February 9, 2016

FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

**I. PAYMENT PLAN SCHEDULE**

\$	160	x	18	= \$	2,880
\$	205	x	42	= \$	8,610
\$		x		= \$	0
\$		x		= \$	0
\$		x		= \$	0
TOTAL = 60				\$	11,490

Additional Payments:

\$ \_\_\_\_\_ to be paid as a LUMP SUM  
within \_\_\_\_\_ with proceeds to come from

☐ Sale of property identified as follows:

☐ Other: \_\_\_\_\_

Periodic Payments to be made other than and in addition to the above.

\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_ 0

To be made on: \_\_\_\_\_

**PROPOSED PLAN BASE: \$ 11,490**

**II. ATTORNEY'S FEES**

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement:	\$	3,000
b. Fees Paid (Pre-Petition):	(\$	510)
c. R 2016 Outstanding balance:	\$	2,490
d. Post Petition Additional Fees:	\$	350
e. Total Compensation:	\$	3,350

Signed: \_\_\_\_\_  
DEBTOR JULIO AGOSTO CUEVAS

JOINT DEBTOR TERESA LUGO DIEPPA

**III. DISBURSEMENT SCHEDULE SEQUENCE**

**A. SECURED CLAIMS:** ☐ Debtor represents that there are no secured claims.

☒ Secured creditors will retain their liens and shall be paid as follows:

☐ ADEQUATE PROTECTION Payments: Cr. \_\_\_\_\_ \$ \_\_\_\_\_

☐ Trustee will pay secured ARREARS:

Cr. Reverse Mortgage	Cr. _____	Cr. _____
Acct. POC 2-1	Acct. _____	Acct. _____
\$ 7,321	\$ _____	\$ _____

☐ Trustee will pay REGULAR MONTHLY PAYMENTS:

(please refer to the above related notice, for important information about this provision)

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
Monthly Pymt. \$ _____	Monthly Pymt. \$ _____	Monthly Pymt. \$ _____

☐ Trustee will pay IN FULL Secured Claims:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Trustee will pay VALUE OF COLLATERAL:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:

Cr. _____	Ins. Co. _____	Premium: \$ _____
-----------	----------------	-------------------

(Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor SURRENDERS COLLATERAL TO Lien Holder: COOP ORIENTAL

☐ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:

**B. PRIORITIES.** The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

**C. UNSECURED PREFERRED:** Plan ☐ Classifies ☒ Does not Classify Claims.

☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead": \_\_\_\_\_

☐ Class B: ☐ Other Class: \_\_\_\_\_

<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____
\$ _____	\$ _____	\$ _____

**D. GENERAL UNSECURED NOT PREFERRED:** (Case Liquidation Value = \$ \_\_\_\_\_)

☐ Will be paid 100% plus \_\_\_\_\_ % Legal Interest. ☐ Will be paid Pro-Rata from any remaining funds

**OTHER PROVISIONS:**

ATTORNEY FOR DEBTOR: Jose A Leon Landrau, Esq.

Phone: (787) 746-7979

AGOSTO CUEVAS, JULIO  
CALLE 18 CC 37  
VILLA GUADALUPE  
CAGUAS, PR 00725

LUGO DIEPPA, TERESA  
CALLE 18 CC 37  
VILLA GUADALUPE  
CAGUAS, PR 00725

LEON LANDRAU LAW OFFICES  
JOSE A. LEON LANDRAU  
PO BOX 1687  
CAGUAS, PR 00726

COOP ORIENTAL  
COOPERATIVA DE AHORRO Y CREDITO  
ORIENTAL  
PO BOX 876  
HUMACAO, PR 00792

DISH  
PO BOX 72006  
SAN JUAN, PR 00936-7602

LCDO JORGE BIRD SERRANO  
SAN JUAN, PR 00919

REVERSE MORTGAGE SOLUTION, INC  
2727 SPRING CREEK DR  
SPRING, TX 77337-3000

REVERSE MORTGAGE SOLUTIONS, INC  
5010 LINBAR DRIVE, SUITE 100  
NASHVILLE, TN 37211